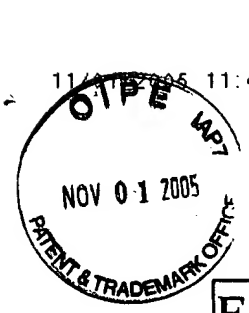

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DATE: November 1, 2005

PTO IDENTIFIER: **Application Number** 09/307187-Conf. #4512
Patent Number
Inventor: Kenneth M. FRIEDLAND et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-2885

FROM: WILMER CUTLER PICKERING HALE AND DORR LLP
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Attorney Dkt. #: 103864.200 US1

PAGES (Including Cover Sheet): 6

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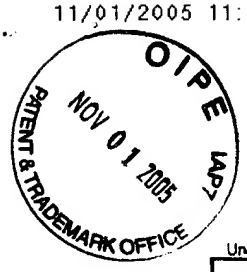

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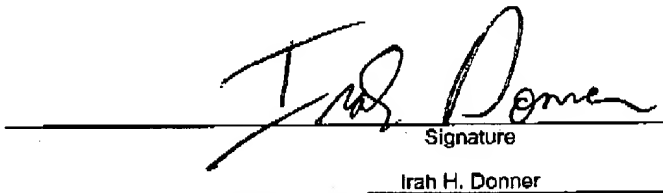

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Docket No.: 103864.200 US1 PATENT/OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kenneth M. Friedland et al.

Serial No.:	09/307,187	Group Art Unit:	3623
Filed:	May 7, 1999	Examiner:	Susanna M. Diaz

For: COMPUTER IMPLEMENTED RESOURCE ALLOCATION MODEL AND PROCESS TO DYNAMICALLY AND OPTIMALLY SCHEDULE AN ARBITRARY NUMBER OF RESOURCES SUBJECT TO AN ARBITRARY NUMBER OF CONSTAINTS IN THE MANAGED CARE, HEALTH CARE AND/OR PHARMACY INDUSTRY

RESPONSE TO EXAMINER'S REASONS FOR ALLOWANCE

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicant substantially agrees with the Examiner's reasons for allowance in the Office Action, subject to the comments herein. Applicant would like to emphasize, and assumes that the Examiner intended to so state, that the combination of elements in each of the allowed claims, independent and dependent, are patentably distinguishable over the prior art when each claim is interpreted as a whole.

Applicant provides no opinion with respect to interpreting the references cited by the Examiner, and therefore, does not concede to the Examiner's interpretation of same, as permitted under 37 C.F.R. Section 1.104(e), particularly since the Examiner does not respond to an Applicant's Response to Reasons for Allowance. Applicant would like to clarify that the only

interpretation that Applicant will accept or agrees with is the interpretation that one of ordinary skill in the art would understand from the prior art references.

Applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicant asserts that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicant has emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicant does not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicant is providing examples of why the claims described above are distinguishable over the cited prior art.

Applicant wishes to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicant reserves the right to pursue the original subject matter recited in the present claims in a continuation application.

Further, Applicant hereby retracts any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicant specifically retracts statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

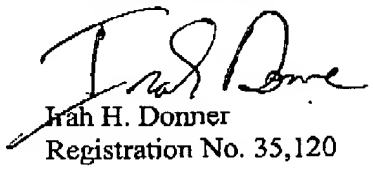
Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present

Docket No.: 103864.200 US1 PATENT/OFFICIAL

claims; rather merely Applicant's best attempt at providing one or more definitions of what the Applicant believes to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicant is seeking for this application. Therefore, no estoppel should be presumed, and Applicant's claims are intended to include a scope of protection under the Doctrine of Equivalents.

Respectfully submitted,

WILMER CUTLER PICKERING HALE AND DORR LLP



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